

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

**JIM HOOD, ATTORNEY GENERAL OF
THE STATE OF MISSISSIPPI, *ex rel.*
THE STATE OF MISSISSIPPI,**

v.

JPMORGAN CHASE & CO., et al.,

PLAINTIFF

CIVIL NO.: 3:12-cv-565-WHB-LRA

DEFENDANTS

CONSOLIDATED WITH

**JIM HOOD, ATTORNEY GENERAL OF
THE STATE OF MISSISSIPPI, *ex rel.*
THE STATE OF MISSISSIPPI,**

v.

HSBC BANK NEVADA, N.A., et al.,

PLAINTIFF

CIVIL NO.: 3:12-cv-571

DEFENDANTS

CONSOLIDATED WITH

**JIM HOOD, ATTORNEY GENERAL OF
THE STATE OF MISSISSIPPI, *ex rel.*
THE STATE OF MISSISSIPPI,**

v.

CITIGROUP INC., et al.,

PLAINTIFF

CIVIL NO.: 3:12-cv-572

DEFENDANTS

CONSOLIDATED WITH

**JIM HOOD, ATTORNEY GENERAL OF
THE STATE OF MISSISSIPPI, *ex rel.*
THE STATE OF MISSISSIPPI,**

v.

**DISCOVER FINANCIAL SERVICES,
INC., et al.,**

PLAINTIFF

CIVIL NO.: 3:12-cv-573

DEFENDANTS

CONSOLIDATED WITH

**JIM HOOD, ATTORNEY GENERAL OF
THE STATE OF MISSISSIPPI, *ex rel.*
THE STATE OF MISSISSIPPI,**

v.

**BANK OF AMERICA CORPORATION,
et al.,**

PLAINTIFF

CIVIL NO.: 3:12-cv-574

DEFENDANTS

CONSOLIDATED WITH

**JIM HOOD, ATTORNEY GENERAL OF
THE STATE OF MISSISSIPPI, *ex rel.*
THE STATE OF MISSISSIPPI,**

v.

CAPITAL ONE BANK (USA) N.A., et al.,

PLAINTIFF

CIVIL NO.: 3:12-cv-572

DEFENDANTS

DEFENDANTS' AMENDED MOTION FOR EXTENSION OF TIME TO RESPOND

JPMorgan Chase & Co. and Chase Bank USA, N.A. (collectively, “Defendants”), on behalf of all defendants in these six consolidated actions, respectfully ask this Court to enter an order (1) extending the deadline by which the Defendants must respond to the Motion for Certification of Questions For Interlocutory Appeal Under 28 U.S.C. § 1292(b) (the “1292(b) Motion”) by 7 days, and (2) extending the deadline by which the Defendants must answer or otherwise respond to the Complaint by 28 days. In support of this motion, Defendants state as follows:

1. On July 31, 2013, this Court denied the Attorney General’s motions to remand these cases to state court. *See Doc. 44* (the “Order”).

2. Under an earlier order entered by this Court on August 14, 2012, Defendants are obliged to answer or otherwise respond to the Complaints thirty days after a ruling on the motion to remand, resulting in a deadline of August 29, 2013 to answer or otherwise respond to the Complaints. *See Doc. 5.*

3. On August 9, 2013, Attorney General Hood filed in the U.S. Court of Appeals for the Fifth Circuit a petition for leave to appeal the Order under 28 U.S.C. § 1453(c) (the “Fifth Circuit Petition”). Defendants’ answer in opposition to the Fifth Circuit Petition is due August 22, 2013. Defendants will respond to the Fifth Circuit Petition on or before the due date.

4. On August 9, 2013, the Attorney General also filed his 1292(b) Motion, which asks this Court to certify certain issues in the Order for interlocutory appeal under 28 U.S.C. § 1292(b). *See Doc. 45.* Defendants’ response to the 1292(b) Motion is currently due August 23, 2013.

5. Defendants respectfully request a one-week extension – until August 30, 2013 – in which to file a single consolidated response to the 1292(b) Motion. Many of the inside

and outside counsel responsible for this matter are currently on vacation. The requested extension will enable Defendants to coordinate a single joint opposition to the Motion, as opposed to filing separate responses, notwithstanding the absence from office of many of the responsible counsel.

6. Defendants also respectfully request a 28-day extension – until September 26, 2013 – to file their answer or otherwise respond to the Complaints. Defendants anticipate filing coordinated motions to dismiss that will resolve these cases in their entirety.¹ The requested extension will give Defendants adequate time to coordinate their motions after completing their responses to the Fifth Circuit Petition and the 1292(b) Motion. The extension will not delay the progress of the case because briefing on the 1292(b) Motion will proceed in the interim.

7. This is the first requested extension of the relevant deadlines.

8. Counsel for the Chase Defendants has met-and-conferred with counsel for the other Defendants in these consolidated cases, all of whom join in this request.

9. Counsel for the Chase Defendants emailed counsel for the Attorney General on August 14, 2013 and telephoned counsel for the Attorney General on August 16 to ask whether the Attorney General opposes this Motion. *After* the original version of this motion was filed,² the Attorney General’s counsel stated that (1) the Attorney General does not oppose a one-week extension to file a response to the 1292(b) Motion, and (2) the Attorney General

¹ If this Motion is granted, Defendants anticipate asking this Court in a subsequent motion to approve the filing of a consolidated motion (or motions) to dismiss and to enter a full briefing schedule.

² The version of this motion that was filed on August 19 mistakenly stated in Paragraph 10 that the motion was unopposed. The remainder of the motion correctly stated that the Attorney General had not responded to the relief requested at the time the motion was filed.

believes Defendants should not be required to file a motion to dismiss until the 1292(b) motion and the Fifth Circuit petition have been resolved.

10. This motion is made in good faith and to promote judicial efficiency. It is not for any improper purpose or undue delay.

Accordingly, Defendants request that this Court issue an order (1) extending the time by which Defendants must respond to the § 1292(b) Motion to August 30, 2013, and (2) extending the time by which Defendants must answer or otherwise respond to the Complaints to September 26, 2013.

DATED: August 20, 2013.

JPMORGAN CHASE & CO. and
CHASE BANK USA, N.A.

By: /s/ Phillip S. Sykes
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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2013, I caused the foregoing document to be electronically filed with the Clerk of Court using the ECF system, which will deliver a copy of the forgoing document to all counsel who have entered an appearance in this action.

/s/ Phillip S. Sykes _____

Phillip S. Sykes